

**DEPARTMENT OF HEALTH**  
**NOTICE OF FINAL RULEMAKING**

The Interim Director of the Department of Health, pursuant to the authority set forth under § 302 (14) of the District of Columbia Health Occupation Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02 (14)) (“Act”), and Mayor’s Order 98-140, dated August 20, 1998, hereby gives notice of the adoption of the following amendments to chapter 65 of Title 17 of the District of Columbia Municipal Regulations (DCMR) (Pharmacists).

The purpose of the proposed amendments is to amend and clarify the procedures for obtaining a pharmacist license in the District of Columbia and for registering and practicing as a pharmacy intern in the District of Columbia, to increase the required number of continuing education hours to forty (40) per renewal cycle, to require completion of approved continuing education programs in Human Immunodeficiency Virus (HIV) training and medication/dispensing errors training, beginning with the academic period ending May 2009, to require completion of an additional five hundred (500) hours of independent pre-licensure practice in a pharmacy setting with the emphasis being on the distribution of medicines and prescriptions, and beginning with the academic period ending May 2009 to require all individuals engaging in pre-licensure professional practice or working as a pharmacy intern in the District to register with the Board after entering the first professional year of college of pharmacy whether or not the hours will be counted toward the total requirement for licensure as a pharmacist.

Proposed Rulemaking was published on July 20, 2007 at 54 DCR 6954. The Department received written comments from the National Association of Chain Drugs Stores and Kaiser Permanente. Thereafter, the Department amended proposed rulemaking §§ 6508.1, 6508.3, 6511.7, 6513, 6515, and 6599.1 and the rulemaking was republished in the D.C. Register on December 14, 2007 at 54 DCR 011999 for an additional comment period.

No written comments were received from the public in response to the December 14, 2007 publication and no substantive changes have been made to this proposed rulemaking. However, three technical amendments have been made to correct typographic errors in §§ 6504.5, 6505.4, 6506.4 changing “successfully compete” to “successfully complete”. These final rules will be effective upon publication of this notice in the *D.C. Register*

**17 DCMR Chapter 65, PHARMACISTS, is amended as follows:**

**Section 6502.2(e) is amended to read as follows:**

6502.2 (e) Credit for pre-licensure professional practice performed in the District of Columbia shall:

- (1) Not begin to accrue until the Board has registered the intern in accordance with the procedures set forth in § 6509 of this chapter; and

- (2) Only be given for pre-licensure professional practice hours performed as part of a formalized internship program and under the supervision of the individual's assigned preceptor.

**New sections 6502.3, 6502.4, and 6502.5 are added to read as follows:**

- 6502.3 For independent pre-licensure practice hours completed in the District of Columbia, the Board shall only give credit for the independent pre-licensure professional practice required by §§ 6502.1(b)(2) and (3) if it meets the requirements set forth in § 6502.2 of this chapter.
- 6502.4 For independent pre-licensure practice hours completed outside of the District of Columbia, the Board shall recognize the hours and apply the hours to the applicant's required total for licensure only if:
- (a) The hours have been certified in writing by the Board of Pharmacy of the state in which they were obtained; and
  - (b) The hours were performed within two years from the date of the application for registration in the District of Columbia.
- 6502.5 Beginning with the academic period ending May 2009, in addition to the requirements of §§ 6502.1(b) of this chapter, each applicant for a pharmacist license shall submit proof of having completed an additional five hundred (500) hours of independent pre-licensure practice in a pharmacy setting with the emphasis being on the distribution of medicines and prescriptions.

**Section 6503.2 is amended to read as follows:**

- 6503.2 An applicant under this section shall furnish proof satisfactory to the Board that the applicant holds a degree from a school of pharmacy with at least a five (5) year curriculum at the time of graduation, unless the applicant graduated prior to January 1, 2003 in which case a four (4) year curriculum will be accepted.

**Section 6503.3 is amended to read as follows:**

- 6503.3 An applicant under this section shall possess a Foreign Pharmacy Graduate Examination Committee Certification (FPGEC).

**Section 6503.4 is amended to read as follows:**

- 6503.4 An applicant under this section shall receive passing scores on the North American Pharmacist Licensure Examination (NAPLEX) or its successor, and the Multistate Pharmacy Jurisprudence Examination for the District of Columbia (MPJE) or its successor. The passing score of the NAPLEX and MPJE are the

passing scores established by the National Association of Boards of Pharmacy on each test that forms a part of the examinations.

**Section 6504 is amended to read as follows:**

**6504 LICENSE BY EXAMINATION**

6504.1 To qualify for a license by examination, an applicant shall:

- (a) Meet the education requirements set forth under § 6502.1(a), or if the applicant was educated in a foreign country meet the requirements set forth under § 6503;
- (b) Meet the training requirements set forth under § 6502.1(b);
- (c) Receive a passing score on each test that forms a part of the NAPLEX, or its successor, which shall be the passing score as determined by the NABP;
- (d) Receive a passing score on each test that forms a part of the MPJE for the District of Columbia, or its successor, which shall be the passing score as determined by the NABP;
- (e) Be at least 18 years of age; and
- (f) Have not been convicted of a crime involving moral turpitude or bearing directly on the fitness of the applicant to be licensed.

6504.2 An applicant for licensure by examination, who has previously successfully completed the NAPLEX and/or MPJE examinations, but has not actively engaged in the practice of pharmacy in the United States or was not actively licensed as a pharmacist in the United States for more than five (5) years prior to the date of the application, in addition to the other requirements of this section, shall be required to do the following in order to qualify for licensure under this section:

- (a) Retake the NAPLEX and MPJE examinations; and
- (b) Register as a Pharmacy Intern and complete an additional pharmacy internship consisting of seven hundred and fifty (750) hours of independent pre-licensure professional practice under the supervision of a licensed pharmacist who uses the standards for pre-licensure professional practice described in § 6502 of this chapter.

6504.3 To apply for a license by examination, an applicant shall:

- (a) Submit a completed application to the Board on the required forms and include:

(1) The applicant's social security number on the application. If the applicant does not have a social security number, the applicant shall:

(i) Submit with the application a sworn affidavit, under penalty of perjury, stating that he or she does not have a social security number; and

(ii) Submit proof acceptable to the Board that he or she is legally authorized to be in the United States, such as a Certificate of Citizenship or Naturalization, Resident Alien Card, a valid foreign passport with a visa; or a work permit card from the Department of Homeland Security (I-766 or I-688B).

(2) Two (2) recent passport-type photographs of the applicant's face measuring two inches by two inches (2" x 2"), which clearly expose the area from the top of the forehead to the bottom of the chin; and

(3) One (1) clear photocopy of a U.S. government-issued photo ID, such as a driver's license, as proof of identity.

(b) Submit official transcripts mailed directly to the Board of Pharmacy from each educational institution in a sealed envelope, which shall verify that the applicant has successfully completed an educational program in the practice of pharmacy meeting the requirements set forth in § 6502.1(a) of this chapter;

(c) Applicants educated in foreign countries must submit a Foreign Pharmacy Graduate Examination Committee (FPGEC) Certification in lieu of an official transcript;

(d) Submit proof acceptable to the Board that the applicant has successfully completed a pharmacy internship meeting the training requirements set forth in § 6502.1(b) of this chapter;

(e) Pay all required fees; and

(f) Successfully complete the NAPLEX and MPJE examinations after receiving Board approval to take the examinations and arrange to have the score results sent directly to the Board.

6504.4 An applicant under this section shall successfully complete the NAPLEX and MPJE examinations within one (1) year from the date the Board approves the applicant to take the examinations.

6504.5 If an applicant under this section fails to successfully complete the NAPLEX and MPJE examinations within one (1) year from the date of approval to take the

exam, his or her application shall be considered abandoned and closed by the Board. The applicant shall thereafter be required to reapply, comply with the current requirements for licensure, and pay the required fees.

6504.6 If an applicant under this section fails to successfully complete the NAPLEX and MPJE examinations within one (1) year from the date of approval to take the exam, then upon expiration of his or her supervised practice letter, the applicant shall immediately cease from practicing. Thereafter the applicant may perform only the duties of a pharmacy technician until the applicant receives a pharmacist license.

6504.7 A supervised practice letter issued under this section is not renewable and shall expire one (1) year from the date of issuance.

**Section 6505 is amended to read as follows:**

**6505 LICENSE BY SCORE TRANSFER**

6505.1 To qualify for a license by score transfer, an applicant shall:

- (a) Meet the education requirements set forth under § 6502.1(a), or if the applicant was educated in a foreign country meet the requirements set forth under § 6503;
- (b) Meet the training requirements set forth under § 6502.1(b);
- (c) Have received a passing score on each test that forms a part of the NAPLEX, or its successor, which shall be the passing score as determined by the NABP;
- (d) Receive a passing score on each test that forms a part of the MPJE for the District of Columbia, or its successor, which shall be the passing score as determined by the NABP;
- (e) Be at least 18 years of age;
- (f) Have not been convicted of a crime involving moral turpitude or bearing directly on the fitness of the applicant to be licensed; and
- (g) Have requested a score transfer to the District of Columbia at the time the applicant applied to take his or her initial NAPLEX examination.

6505.2 To apply for a license by score transfer, an applicant shall:

- (a) Submit a completed application to the Board on the required forms and include:
  - (1) The applicant's social security number on the application. If the applicant

does not have a social security number, the applicant shall:

- (i) Submit with the application a sworn affidavit, under penalty of perjury, stating that he or she does not have a social security number; and
  - (ii) Submit proof acceptable to the Board that he or she is legally authorized to be in the United States, such as a Certificate of Citizenship or Naturalization, Resident Alien Card, a valid foreign passport with a visa, or a work permit card from the Department of Homeland Security (I-766 or I-688B). or a valid foreign passport with a visa.
- (2) Two (2) recent passport-type photographs of the applicant's face measuring two inches by two inches (2" x 2"), which clearly expose the area from the top of the forehead to the bottom of the chin; and
- (3) One (1) clear photocopy of a U.S. government-issued photo ID, such as a driver's license, as proof of identity.
- (b) Submit the NABP score transfer form with the application for licensure;
- (c) Submit proof acceptable to the Board that the applicant has successfully completed a pharmacy internship meeting the training requirements set forth in § 6502.1(b) of this chapter;
- (d) Pay all required fees; and
- (e) Successfully complete the MPJE examination after receiving Board approval to take the examination and arrange to have the score result sent directly to the Board.

6505.3 An applicant under this section shall successfully complete the MPJE examination within one (1) year from the date the Board approves the applicant to take the examination.

6505.4 If an applicant under this section fails to successfully complete the MPJE examination within one (1) year from the date of approval to take the exam, his or her application shall be considered abandoned and closed by the Board. The applicant shall thereafter be required to reapply, comply with the current requirements for licensure, and pay the required fees.

6505.5 If an applicant under this section fails to successfully complete the MPJE examination within one (1) year from the date of approval to take the exam, then upon expiration of his or her supervised practice letter, the applicant shall immediately cease from practicing. Thereafter the applicant may become registered

as a registered pharmacy technician, if he or she meets the requirements for registration, and perform only the duties of a registered pharmacy technician until the applicant receives a pharmacist license.

6505.6 A supervised practice letter issued under this section is not renewable and shall expire one (1) year from the date of issuance.

**Section 6506 is amended to read as follows:**

**6506 LICENSE BY RECIPROCITY WITH LICENSURE TRANSFER**

6506.1 To qualify for a license by reciprocity with license transfer, an applicant shall:

- (a) Meet the education requirements set forth under § 6502.1(a), or if the applicant was educated in a foreign country meet the requirements set forth under § 6503;
- (b) Have met the training requirements in the state in which his or her initial license was obtained;
- (c) Have received a passing score on each test that forms a part of the NAPLEX, or its successor, which shall be the passing score as determined by the NABP;
- (d) Receive a passing score on each test that forms a part of the MPJE for the District of Columbia, or its successor, which shall be the passing score as determined by the NABP;
- (e) Be at least 18 years of age;
- (f) Have not been convicted of a crime involving moral turpitude or bearing directly on the fitness of the applicant to be licensed; and
- (g) Obtain a NABP licensure transfer to the District of Columbia.

6506.2 To apply for a license by reciprocity with licensure transfer, an applicant shall:

- (a) Submit a completed application to the Board on the required forms and include:
  - (1) The applicant's social security number on the application. If the applicant does not have a social security number, the applicant shall:
    - (i) Submit with the application a sworn affidavit, under penalty of perjury, stating that he or she does not have a social security

number; and

(ii) Submit proof acceptable to the Board that he or she is legally authorized to be in the United States, such as a Certificate of Citizenship or Naturalization, Resident Alien Card, a valid foreign passport with a visa; or a work permit card from the Department of Homeland Security (I-766 or I-688B).

(2) Two (2) recent passport-type photographs of the applicant's face measuring two inches by two inches (2" x 2"), which clearly expose the area from the top of the forehead to the bottom of the chin; and

(3) One (1) clear photocopy of a U.S. government-issued photo ID, such as a driver's license, as proof of identity.

(b) Submit the NABP licensure transfer form to the District of Columbia with the application for licensure;

(c) Pay all required fees; and

(d) Successfully complete the MPJE examination after receiving Board approval to take the examination and arrange to have the score result sent directly to the Board.

6506.3 An applicant under this section shall successfully complete the MPJE examination within six (6) months from the date the Board approves the applicant to take the examination.

6506.4 If an applicant under this section fails to successfully complete the MPJE examination within six (6) months from the date of approval to take the exam, his or her application shall be considered abandoned and closed by the Board. The applicant shall thereafter be required to reapply, comply with the current requirements for licensure, and pay the required fees.

6506.5 If an applicant under this section fails to successfully complete the MPJE examination within six (6) months from the date of approval to take the exam, then upon expiration of his or her supervised practice letter, the applicant shall immediately cease from practicing. Thereafter the applicant may become registered as a registered pharmacy technician, if he or she meets the requirements for registration, and perform only the duties of a registered pharmacy technician until the applicant receives a pharmacist license.

6506.6 A supervised practice letter issued under this section is not renewable and shall expire six (6) months from the date of issuance.

**Section 6507 is amended to read as follows:**



**6507 LICENSE BY RECIPROCITY WITH WAIVER OF LICENSURE  
TRANSFER FORM**

6507.1 Only applicants who were previously licensed in the District of Columbia to practice pharmacy may apply for licensure by reciprocity with waiver of licensure transfer.

6507.2 To apply for a license by reciprocity with waiver of licensure transfer form, an applicant shall:

- (a) Submit a completed application to the Board on the required forms and include:
  - (1) The applicant's social security number on the application. If the applicant does not have a social security number, the applicant shall:
    - (i) Submit with the application a sworn affidavit, under penalty of perjury, stating that he or she does not have a social security number; and
    - (ii) Submit proof acceptable to the Board that he or she is legally authorized to be in the United States, such as a Certificate of Citizenship or Naturalization, Resident Alien Card, a valid foreign passport with a visa; or a work permit card from the Department of Homeland Security (I-766 or I-688B).
  - (2) Two (2) recent passport-type photographs of the applicant's face measuring two inches by two inches (2" x 2"), which clearly expose the area from the top of the forehead to the bottom of the chin; and
  - (3) One (1) clear photocopy of a U.S. government-issued photo ID, such as a driver's license, as proof of identity.
- (b) Submit proof acceptable to the Board of previous licensure in the District of Columbia to practice pharmacy;
- (c) Submit verification of current licensure in good standing in another state to practice pharmacy; and
- (d) Pay all required fees.

**Section 6508 is amended to read as follows:**

**6508 SUPERVISED PRACTICE OF PHARMACY**

- 6508.1 Only the following persons may practice pharmacy under supervision:
- (a) An applicant for a pharmacist license whose initial application for licensure is pending before the Board and who has received a supervised practice letter from the Board, but shall be limited to the same scope of duties as a registered pharmacy intern;
  - (b) A licensee who is working under supervised practice pursuant to an Order of the Board;
  - (c) A pharmacy intern who is registered with the Board, subject to the limitations set forth under District of Columbia law and regulations; or
  - (d) An applicant who is required pursuant to this chapter to complete professional practice hours in order to obtain licensure, reinstatement of licensure, or reactivation of licensure.
- 6508.2 A supervisor shall be responsible for ensuring that the individual(s) under his or her supervision is authorized to practice under supervision and may be subject to disciplinary action for supervising unlicensed or unauthorized personnel.
- 6508.3 For purposes of this section, supervision shall mean that the supervisor is physically present in the pharmacy area and shall include personal observation where appropriate, evaluation, oversight, review, and correction of services provided by the supervisee.
- 6508.4 A supervisor shall be fully responsible for supervised practice by a supervisee during the period of supervision, and is subject to disciplinary action for any violation of the Act or this chapter by the person being supervised.
- 6508.5 A supervisee shall be subject to all applicable provisions of the Act and this chapter.
- 6508.6 If the Board finds that a person practicing under supervision has violated the Act or this title, the Board may, in addition to any other disciplinary actions permitted by the Act, deny, revoke, suspend, or restrict the privilege of the supervisee to practice.

**Section 6509 is amended to read as follows:**

**6509 REGISTRATION OF PHARMACY INTERNS**

- 6509.1 Except as provided in 6509.2 of this chapter, this section shall apply to pharmacy interns who are performing independent, pre-licensure professional practice in satisfaction of the internship required by § 6502.1(b)(2) and (3) under the supervision of a pharmacist licensed in the District of Columbia.

- 6509.2 Beginning with the academic period ending May 2009, all individuals engaging in pre-licensure professional practice or working as a pharmacy intern in the District shall register with the Board after entering the first professional year of college of pharmacy whether or not the hours will be counted toward the total requirement for licensure as a pharmacist.
- 6509.3 A pharmacy intern is required to be registered with the Board as an intern before being employed as an intern in a pharmacy in the District or beginning an internship.
- 6509.4 Credit for internship hours performed in the District of Columbia shall not begin to accrue until the Board has registered the intern and shall only be given for pre-licensure professional practice hours performed as part of a formalized internship program and under the supervision of the individual's assigned preceptor.
- 6509.5 To qualify to register to perform a pharmacy internship, an applicant shall:
- (a) Meet the education requirements set forth under § 6502.1(a), or if the applicant was educated in a foreign country meet the requirements set forth under § 6503, or be currently enrolled in an educational program in the practice of pharmacy at an ACPE accredited school or school pending initial ACPE accreditation;
  - (b) Be at least 18 years of age; and
  - (c) Have not been convicted of a crime involving moral turpitude or bearing directly on the fitness of the applicant to be registered.
- 6509.6 To register as a pharmacy intern, an applicant shall:
- (a) Submit a completed application to the Board on the required forms and include:
    - (1) The applicant's social security number on the application. If the applicant does not have a social security number, the applicant shall:
      - (i) Submit with the application a sworn affidavit, under penalty of perjury, stating that he or she does not have a social security number; and
      - (ii) Submit proof acceptable to the Board that he or she is legally authorized to be in the United States, such as a Certificate of Citizenship or Naturalization, Resident Alien Card, a valid foreign passport with a visa; or a work permit card from the Department of Homeland Security (I-766 or I-688B).

- (2) Two (2) recent passport-type photographs of the applicant's face measuring two inches by two inches (2" x 2"), which clearly expose the area from the top of the forehead to the bottom of the chin; and
- (3) One (1) clear photocopy of a U.S. government-issued photo ID, such as a driver's license, as proof of identity.
- (b) Submit official transcripts mailed directly to the Board of Pharmacy from each educational institution in a sealed envelope, which shall verify that the applicant has successfully completed an educational program in the practice of pharmacy meeting the requirements set forth in § 6502.1(a) or § 6503.1(a) of this chapter or is currently enrolled in an educational program in the practice of pharmacy at an ACPE accredited school ;
- (c) Applicants educated in foreign countries must submit a Foreign Pharmacy Graduate Examination Committee (FPGEC) Certification in lieu of an official transcript;
- (d) Pay all required fees; and
- (e) Submit a completed preceptor form signed by his or her preceptor which shall include:
  - (1) The name and District of Columbia pharmacist license number of the preceptor;
  - (2) The location where the internship will be performed;
  - (3) A description of the duties the intern will perform;
  - (4) The expected start date of the internship; and
  - (5) The Oath of the Preceptor set forth in § 6511.3 of this chapter.

6509.7 For applicants who have graduated from a college of pharmacy prior to registering as an intern, a registration as a pharmacy intern shall expire one (1) year from the date of its issuance. The Board may, in its discretion, renew a registration for successive periods of one (1) year if the pharmacy intern demonstrates due diligence in working toward completing the clinical internship requirement of § 6502.1(b)(2) or (3).

6509.8 For applicants enrolled in a college of pharmacy at the time of registering as an intern, a registration as a pharmacy intern shall be valid until whichever of the following occurs first:

- (a) While he or she is enrolled in a pharmacy program and for not more than one year after his or her graduation from the pharmacy program;
- (b) Until such intern is expelled, suspended, dismissed or withdraws from an approved pharmacy program; or
- (c) Until such intern becomes licensed as a pharmacist.

**Section 6510 is amended to read as follows:**

**6510            PRE-LICENSURE PROFESSIONAL PRACTICE OF PHARMACY  
INTERNS**

- 6510.1            This section shall apply to pharmacy interns who are performing independent, pre-licensure professional practice in satisfaction of the internship required by §§ 6502.1(b)(2) and (3) under the direct supervision of a pharmacist in the District, or who are otherwise registered with the Board to practice as a pharmacy intern.
- 6510.2            No person not properly registered with the Board as a pharmacy intern shall take, use, or exhibit the title of pharmacy intern, intern, extern, graduate pharmacist or any other similar title.
- 6510.3            A pharmacy intern may practice as an intern under the supervision of any pharmacist licensed in good standing in the District of Columbia. However, the Board shall only grant pre-licensure professional practice hours for those pharmacy tasks:
- (a) Performed under the supervision of the intern's Board approved assigned preceptor; and
  - (b) Where the preceptor was physically present on the pharmacy premises and in the pharmacy area at the time.
- 6510.4            A pharmacy intern shall not change preceptors or worksites without first submitting a new preceptor form to the Board.
- 6510.5            A pharmacy intern shall not compound or dispense any drug by prescription except under the direct supervision of a pharmacist licensed under the Act who is physically present and guiding the action.
- 6510.6            A pharmacy intern shall not accept an oral prescription for a Schedule II controlled substance.

- 6510.7 A pharmacy intern may not perform a final review or exercise final decision-making with respect to any of the following without the prior review and approval of the licensed pharmacist: drug utilization review; clinical conflict resolution, prescriber contact concerning prescription drug order clarification or therapy modification; or dispensing process validation.
- 6510.8 A pharmacy intern shall be identified by badge as an intern while performing pharmacy tasks.
- 6510.9 A pharmacy intern shall not in any manner falsely represent or imply to the public that he or she is a pharmacist.
- 6510.10 A pharmacy intern shall not supervise another pharmacy intern, a pharmacy student, or a pharmacy technician.
- 6510.11 The Board shall only give credit for independent pre-licensure professional practice hours required by §§ 6502.1(b)(2) and (3) if the work meets the following requirements set forth in § 6502.2 of this chapter.

**Section 6511 is amended to read as follows:**

**6511 DUTIES OF A PRECEPTOR**

- 6511.1 This section shall apply only to preceptors who are supervising pharmacy interns in the performance of independent, pre-licensure professional practice in satisfaction of the internship required by § 6502.1(b)(2) and (3) of this chapter.
- 6511.2 To qualify to serve as a preceptor, a pharmacist shall:
- (a) Be licensed in good standing to practice pharmacy in the District of Columbia;
  - (b) Have been engaged in the practice of pharmacy for at least two (2) years on a full-time basis immediately prior to serving as a preceptor; and
  - (c) Not currently be the subject of a disciplinary sanction or investigation in any jurisdiction.
- 6511.3 Prior to supervising a pharmacy intern, a preceptor shall sign the "Oath of Preceptor," which states as follows:
- "I submit that I shall answer all questions concerning the training of the pharmacy intern under my supervision truthfully to the best of my knowledge and belief and that the training I provide will in accordance to the requirements set forth in 17 DCMR §§ Chapter 65 and the practice of pharmacy as required by law."

- 6511.4 Before allowing any person to work as a pharmacy intern, the preceptor shall verify that the person is currently registered with the Board.
- 6511.5 A preceptor shall ensure that at least seventy percent (70%) of a pharmacy intern's training consists of learning to perform the following tasks:
- (a) Filling prescriptions;
  - (b) Compounding drugs;
  - (c) Evaluating prescriptions;
  - (d) Handling controlled substances;
  - (e) Handling toxic drugs and substances;
  - (f) Substituting generic drugs for brand name drugs;
  - (g) Storing and packaging drugs;
  - (h) Instructing patients;
  - (i) Maintaining prescription records; and
  - (j) Handling veterinary products.
- 6511.6 A preceptor shall be responsible for the tasks performed by a pharmacy intern. A preceptor may be disciplined for any violation of the Act or this chapter in the performance of pharmacy tasks by the intern and under the preceptor's supervision.
- 6511.7 A preceptor shall not supervise more than one pharmacy intern at one time while the intern is on duty and performing internship tasks without prior approval by the Board. This provision shall not apply to students who are enrolled in ACPE accredited programs while performing clerkship hours toward fulfillment of graduation requirements.
- 6511.8 If the preceptor has evidence of, or strongly suspects, that the pharmacy intern may have violated any law or regulation regarding the practice of pharmacy, prescription drugs or controlled substances, the preceptor shall notify the Board in writing, within ten (10) days or immediately, if any danger to the public health or safety may exist.

**Section 6512 is repealed.**

**A new section 6513 is added to read as follows:**

**6513 CONTINUING EDUCATION REQUIREMENTS**

- 6513.1 Except as provided in § 6513.2, this section shall apply to applicants for the renewal, reactivation, or reinstatement of a license for a term expiring February 28, 2011, and for subsequent terms.
- 6513.2 This section shall not apply to applicants for an initial license by examination or reciprocity, nor does it apply to applicants for the first renewal of a license.
- 6513.3 A continuing education credit shall be valid only if it is part of a program approved by the Board in accordance with § 6514 of this chapter.
- 6513.4 An applicant for renewal of a license shall:
- (a) Have completed a minimum of forty (40) contact hours of continuing education credit in approved programs, which shall include at least two (2) hours in Human Immunodeficiency Virus (HIV) training and at least two (2) hours in medication/dispensing errors training during the two (2) year period preceding the date the license expires;
  - (b) Attest to completion of the required continuing education credits on the renewal application form; and
  - (c) Be subject to a random audit.
- 6513.5 Not more than thirty (30) contact hours of continuing education credit may be accepted in any renewal period, or for reinstatement or reactivation of a license for approved home study or other mediated instruction continuing education courses.
- 6513.6 A minimum of ten (10) contact hours of the required forty (40) continuing education credits shall be obtained by attendance at live continuing education programs.
- 6513.7 To qualify for a license, a person in inactive status within the meaning of § 511 of the Act, D.C. Official Code § 3-1205.11 for five (5) years or less who submits an application to reactivate a license shall submit proof pursuant to § 6513.10 of having completed twenty (20) contact hours of approved continuing education credit in the year immediately preceding the date of the application, which shall include at least two (2) hours in Human Immunodeficiency Virus (HIV) training and at least two (2) hours in medication/dispensing errors training.
- 6513.8 To qualify for a license, a person in inactive status within the meaning of § 511 of the Act, D.C. Official Code § 3-1205.11 for more than five (5) years who submits an application to reactivate a license shall submit proof



pursuant to § 6513.10 of having completed approved continuing education credit in the year immediately preceding the date of the application as follows:

- (a) Forty (40) contact hours of approved continuing education credit which shall include at least two (2) hours in Human Immunodeficiency Virus (HIV) training and at least two (2) hours in medication/dispensing errors training; and
- (b) One hundred sixty (160) hours within a sixty (60) day period of professional practice under the supervision of a pharmacist performing tasks listed in § 6502.2(a).

6513.9 To qualify for a license, an applicant for reinstatement of a license shall submit proof pursuant to § 6513.10 of having completed approved continuing education credit in the year immediately preceding the date of the application as follows:

- (a) Forty (40) contact hours of approved continuing education credit which shall include at least two (2) hours in Human Immunodeficiency Virus (HIV) training and at least two (2) hours in medication/dispensing errors training; and
- (b) One hundred sixty (160) hours within a sixty (60) day period of professional practice under the supervision of a pharmacist performing tasks listed in § 6502.2(a).

6513.10 Except as provided in § 6513.12, an applicant under this section shall prove completion of required continuing education credits by submitting with the application the following information with respect to each program:

- (a) The name and address of the sponsor of the program;
- (b) The name of the program, its location, a description of the subject matter covered, and the names of the instructors;
- (c) The dates on which the applicant attended the program;
- (d) The hours of credit claimed; and
- (e) Verification by the sponsor of completion, by signature or stamp.

6513.11 Beginning with the 2005 renewal period, the Board shall conduct a random audit of continuing education credits at the completion of each renewal period.

6513.12 Applicants for renewal of a license shall only be required to prove completion of the required continuing education credits by submitting proof pursuant to §

6513.10 if requested to do so as part of the random audit, or if otherwise requested to do so by the Board.

6513.13 An applicant for renewal of a license who fails to renew the license by the date the license expires may renew the license for up to sixty (60) days after the date of expiration by completing the application, submitting the required supporting documents, and paying the required late fee. Upon renewal, the applicant shall be deemed to have possessed a valid license during the period between the expiration of the license and the renewal thereof.

6513.14 If an applicant for renewal of a license fails to renew the license and pay the late fee within sixty (60) days after the expiration of applicant's license, the license shall be considered to have lapsed on the date of expiration. The applicant shall thereafter be required to apply for reinstatement of an expired license and meet all requirements and fees for reinstatement.

6513.15 The Board may, in its discretion, grant an extension of the sixty (60) day period, up to a maximum of one (1) year, to renew after expiration if the applicant's failure to renew was for good cause. As used in this section, "good cause" includes the following:

(a) Serious and protracted illness of the applicant; and

(b) The death or serious and protracted illness of a member of the applicant's immediate family.

6513.16 An extension granted under this section shall not exempt the pharmacist from complying with the continuing education requirements for any other renewal period.

**A new section 6514 is added to read as follows:**

**6514 APPROVED CONTINUING EDUCATION PROGRAMS**

6514.1 The Board may, in its discretion, approve continuing education programs that contribute to the growth of an applicant in professional competence in the practice of pharmacy and which meet the other requirements of this section.

6514.2 The Board may approve continuing education programs that meet the requirements of § 6514.3 and provide instruction in one of the following subjects:

(a) Properties and actions of drugs and drug dosage forms;

(b) Etiology, characteristics, and therapeutics of the disease state;

(c) Pharmaceutical practice;

- (d) Legal, psychological, and socio-economic aspects of health care delivery; or
- (e) Principles, techniques, and theories of pharmacy management and administration.

6514.3 To qualify for approval by the Board, a continuing education program shall be a lecture, conference, seminar, course of instruction, or workshop and be prepared, offered, or administered by one of the following:

- (a) Providers approved by the ACPE;
- (b) The Accreditation Council for Continuing Medical Education (sponsored or co-sponsored) and designated as an American Medical Association Physician's Recognition Award Category 1 program by the sponsoring organization;
- (c) A governmental unit;
- (d) A health care facility; or
- (e) An institution of higher learning recognized by an accrediting body approved by the Secretary of the United States Department of Education.

6514.4 The Board may issue a list of approved continuing education programs.

6514.5 An applicant shall have the burden of verifying whether a program is approved by the Board pursuant to this section prior to attending the program.

6514.6 The Board may approve the following continuing education activities by an applicant:

- (a) Serving as an instructor or speaker at a lecture, conference, seminar, workshop, course of instruction, or in-service training; and
- (b) Publication of an article or book review in a professional journal or bulletin or publication of a book or chapter in a book.

**A new section 6515 is added to read as follows:**

## **6515 CONTINUING EDUCATION CREDITS**

6515.1 A contact hour shall consist of at least fifty (50) minutes of instruction in an approved continuing education program and shall equal one-tenth (0.1) of a continuing education credit ("CEU").

- 6515.2 For approved undergraduate or graduate courses, each semester hour of credit constitutes fifteen (15) contact hours of continuing education credit, and each quarter hour constitutes ten (10) contact hours of continuing education credit.
- 6515.3 The Board may grant a maximum of ten (10) contact hours of continuing education credits per year to an applicant who attends in-service education programs.
- 6515.4 The Board may grant credit for both preparation and presentation time to an applicant who serves as an instructor or speaker at an acceptable program, subject to the following restrictions:
- (a) The maximum amount of credit which may be granted for preparation time is twice the amount of the associated presentation time; and
  - (b) The maximum amount of credit which may be granted pursuant to this subsection is fifty percent (50%) of an applicant's continuing education requirement; and
  - (c) The presentation must have been completed during the period for which credit is claimed.
- 6515.5 The Board may grant an applicant who is an author or editor of a published book in the field of pharmacy thirty (30) contact hours of continuing education credits, if the book has been published or accepted for publication during the period for which credit is claimed, and the applicant submits proof of this fact with the application.
- 6515.6 The Board may grant an applicant who is an author of a published original paper in the field of Pharmacy eight (8) contact hours of continuing education credits, subject to the same restrictions set forth for books in § 6515.5.
- 6515.7 The Board may grant an applicant who is the sole author of a published book review, review paper, or abstract, in the field of Pharmacy, two (2) contact hours of continuing education credits, subject to the same restrictions set forth for books in § 6515.5.

**Section 6599.1 is amended as follows:**

**The following terms with the ascribed meanings are added as follows:**

**ACPE**— The Accreditation Council for Pharmaceutical Education.

**Act**- The District of Columbia Health Occupation Revision Act of 1985 ("Act"), effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01 et seq.)

**Department**—The District of Columbia Department of Health.

**Director**— The Director of the District of Columbia Department of Health.

**Distribution**--the actual, constructive, or attempted transfer from one person to another, other than by administering or dispensing, of a drug or medical device whether or not there is an agency relationship.

**Enrolled in a pharmacy program**—In order to be considered enrolled in a school of pharmacy, a person shall not be absent from school for more than two (2) consecutive semesters or three (3) consecutive quarters.

**FPGEC**- Foreign Pharmacy Graduate Examination Committee.

**Home-Study and other Mediated Instruction** - Covers all continuing education activities, including Internet courses, which do not provide for direct interaction between faculty and participants and may include audio tapes, video tapes, cable television, computer assisted instruction, journal articles, monographs, etc.

**MPJE**- Multistate Pharmacy Jurisprudence Examination for the District of Columbia

**NABP**- National Association of Boards of Pharmacy

**NAPLEX**- North American Pharmacist Licensure Examination

**Preceptor** – means a pharmacist licensed in good standing in the District, who has been approved by the Board to supervise the pre-licensure professional practice of a pharmacy intern.

**Supervised practice letter**— document issued by the Board authorizing the individual to practice the same scope of duties as a pharmacy intern under the supervision of a pharmacist licensed under the Act, while his or her application for licensure in the District of Columbia is pending or as otherwise authorized by the Board.

## DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Interim Director of the Department of Health, pursuant to the authority set forth in section 10 of the Dangerous Dog Amendment Act of 1988 ("Act"), effective October 18, 1988, D.C. Law 7-176, D.C. Official Code § 8-1908 and Mayor's Order 2000-98, dated June 14, 2000, hereby gives notice of the adoption of an amendment to Chapter 9 of Title 24 of the District of Columbia Municipal Regulations (DCMR) (Public Space & Safety)(December 1996). The Interim Director took final rulemaking action to adopt this rule on April 4, 2008. This rule requires spaying or neutering of a dog that has been declared dangerous before the dog may be returned to its owner, and it establishes the fee for the annual license required under the Act. A Notice of Emergency and Proposed Rulemaking was published on October 19, 2007, at 54 DCR 10103. One comment was received in response to the notice. The comment made recommendations regarding the underlying statute but did not oppose the rulemaking.

These final rules will be effective upon publication of this notice in the *D.C. Register*.

**Chapter 9 of Title 24 DCMR is amended by adding a new section 907 to read as follows:**

**907                    DANGEROUS DOGS**

- 907.1                A dog that has been declared dangerous pursuant to D.C. Official Code § 8-1902 shall be spayed or neutered at the owner's expense before the owner may take possession of the dog and after the owner has satisfied all other dangerous dog registration requirements.
- 907.2                The owner of a dangerous dog shall pay an annual license fee of one hundred dollars (\$100) in addition to regular dog licensing fees.

**D.C. DEPARTMENT OF HUMAN RESOURCES****NOTICE OF FINAL RULEMAKING**

The Director, D.C. Department of Human Resources, with the concurrence of the City Administrator, pursuant to Mayor's Order 2000-83, dated May 30, 2000, and in accordance with Title XIX of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-619.01 *et seq.*) (2006 Repl.), hereby gives notice of final rulemaking action. The purpose of these rules is to amend Chapter 19, Incentive Awards, of Title 6 of the District of Columbia Municipal Regulations (DCMR), in its entirety. Because the Mayor plans to immediately establish a Retirement Awards Program for the remainder of calendar year 2008 under the provisions of section 1904.7 of the chapter, and to implement the provisions of the Retirement Awards Program, action was taken on February 13, 2008 to adopt the following rules on an emergency basis effective February 13, 2008. While a Notice of Emergency and Proposed Rulemaking was published on February 29, 2008 (55 DCR 002102), there is a need for additional changes to section 1904.7 of the chapter. Specifically: (1) subsection 1904.7 (b) was amended; (2) the cross-reference in subsection 1904.7 (h) to "*subsection 1904.7 (f)(5)*" was corrected to "*subsection 1904.7 (f)(4)*;" (3) subsection 1904.7 (l) was revised to provide that a person who receives a Retirement Incentive Award shall not be eligible for reemployment for compensation or hired or retained as a sole source contractor with the District government for five (5) years from the date of retirement or separation on which the payment is based, unless he or she repays the Retirement Award received if reemployed before the end of the five-year (5-year) period; and (4) a new subsection 1904.7 (m) was added to the section to provide that, notwithstanding the provisions of subsection 1904.7 (l), and on a case-by-case basis, the personnel authority may waive the repayment of the award when considering the reemployment of a person who received the award, and enumerate the conditions for such waivers. Accordingly, a revised version of the Notice of Emergency and Proposed Rulemaking was re-published under an Errata Notice on March 7, 2008 (55 DCR 2319). No comments were received and no changes were made to the rules under the Notice of Emergency and Proposed Rulemaking (Errata Notice) published on March 7, 2008. Final rulemaking action was taken on April 9, 2008.

**CHAPTER 19****INCENTIVE AWARDS**

*Chapter 19 of the D.C. Personnel Regulations is amended to read as follows:*

**1900 POLICY**

1900.1 This chapter provides the rules for incentive awards in accordance with Title XIX of

the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (CMPA), effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-619.01 *et seq.*) (2006 Repl.).

- 1900.2 It is the policy of the District government to recognize and reward employees whose performance is exemplary with monetary incentive awards and non-monetary incentive awards, including tangible and time off awards; and encourage District government agencies to only use incentive awards as a management tool to reward employee results and accomplishments supportive of and consistent with their agency's mission and operating goals.
- 1900.3 An incentive award or a combination of categories of incentive awards may be given to an employee for a suggestion, an invention, a superior accomplishment, length of service, or other meritorious effort that contributes to the efficiency, economy, or otherwise improves the operations of the District government.
- 1900.4 It is specifically not the policy of the District government to grant awards to employees for the performance of their normal work duties; accomplishments that are routine and within the duties outlined on their position description; or behavior that is generally expected of District government employees. It is also not the policy of the District government to grant awards to employees who have exhibited behavior problems within the past year, such as excessive absenteeism, tardiness, or insubordination.
- 1900.5 Honorary awards may be given to District government employees, citizens, or residents who make significant contributions to the public good or submit ideas or inventions that materially benefit the District of Columbia.

## **1901 APPLICABILITY**

- 1901.1 This chapter applies to only full-time and part-time employees of the District government (except where citizens and residents of the District of Columbia may receive honorary awards), and specifically excludes:
- (a) The Mayor and members of the Council of the District of Columbia;
  - (b) Members of boards and commissions as specified in section 202 (b) and (c) of the CMPA (D.C. Official Code §§ 1-602.2(2) and (3)) (2006 Repl.);
  - (c) Chief judges, associate judges, and non-judicial personnel of the Superior Court of the District of Columbia and the District of Columbia Court of Appeals;
  - (d) Employees of District government agencies with rulemaking authority; and
  - (e) Employees appointed to the Executive Service.
- 1901.2 Uniformed members of the Metropolitan Police Department (MPD) and Fire and



Emergency Medical Services Department (FEMSD) are eligible to receive incentive awards authorized in this chapter in addition to any other special awards authorized for such employees by separate MPD or FEMSD regulations or policies.

- 1901.3 The provisions of a collective bargaining agreement regarding incentive awards or any other special awards shall take precedence over the provisions of this chapter for employees covered by the agreement, to the extent that there is a difference.
- 1901.4 To be eligible for payment of a monetary award, an employee must be actively employed by the District government at the time of the award's payment. Payment for an individual who has separated, retired, or for any other reason, is no longer a current employee at the time the payment of the incentive award would have been paid is strictly prohibited. Exceptions to this policy shall only be made by the Mayor or the City Administrator.

## **1902 CLASSES OF INCENTIVE AWARDS**

- 1902.1 A personnel authority may authorize the granting of any of the following categories of incentive awards, as specified in this chapter:

- (a) The following categories of Monetary Awards:
- (1) Exemplary Performance Awards;
  - (2) Special Act or Service Awards;
  - (3) Suggestion or Invention Awards;
  - (4) Safe Driving Awards;
  - (5) Instant Cash-In-Your Account Awards; and
  - (6) Retirement Awards;
- (b) The following categories of Non-Monetary Awards:
- (1) Tangible Item Awards;
  - (2) Time-Off Awards;
  - (3) Honorary Awards; and
  - (4) Length of Service Awards; and
- (c) Group Awards.

## **1903 GENERAL PROVISIONS**

- 1903.1 It is the responsibility of each agency to determine when an employee's performance warrants recognition and the nature of any reward under this chapter. The D.C. Department of Human Resources (DCHR) shall process nominations for payment of incentive awards, maintain associated records, and review awards for compliance with this chapter and policies and procedures, but each agency is expected to determine the conditions that will govern incentive awards and manage the decision process for its employees. The DCHR will only provide analysis on the use of the incentive awards to the Mayor, Council of the District of Columbia (Council), and City Administrator.
- 1903.2 Monetary awards based on exemplary performance during the previous year will be distributed after the following procedures have occurred:
- (1) Completion of annual performance review on the employee (October/November);
  - (2) Formation, meetings, and decision of the Agency Incentive Awards Committee (Committee), which should include members of the agency's managerial staff. Agencies are free to structure their committees as they see fit in accordance with guidelines in this chapter, and it is recommended that each agency convene a committee of managers to review employees' nominations and approve the recipients and the amount of each award. The Committee should be chaired by the agency head (or designee) plus at least two (2) to four (4) other members designated by the agency head. Each member of the Committee shall be a Management Supervisory Service or Excepted Service employee and shall serve in the Committee for a two-year (2-year) period;
  - (3) Review by the Committee of the previous fiscal year's goal achievements, as specified in the agency's strategic plan and performance metrics;
  - (4) Incentive awards' fund distribution from the City Administrator and certification by the agency's Chief Financial Officer; and
  - (5) Payment of awards no later than the 2nd quarter of the fiscal year.
- 1903.3 An employee shall not receive more than one (1) monetary award in a twelve-month (12-month) period. The agency requesting the incentive award, the agency's Chief Financial Officer, and agency head are responsible for the proper application of the regulations and analysis of eligibility.
- 1903.4 A monetary award may only be granted to an employee for a single contribution, including exemplary performance contributions. This award type may be granted in combination with a tangible item award, a time off award, an honorary award, or any combination thereof. However, the total monetary value of incentive awards given to an employee for any single contribution in a fifty-two week (52-week) period may

not exceed five thousand dollars (\$5,000) or ten percent (10%) of an employee's scheduled rate of basic pay, whichever is greater. Any award submission by the agency over five thousand dollars (\$5,000) will be sent to the City Administrator or designee for approval.

- 1903.5 The disbursement of funds following approval of a tangible item or a monetary award shall be subject to the availability of funds. Agency heads shall be responsible for managing incentive awards within the allocated budget for the agency. The budget allocation will be determined by the Mayor and the City Administrator, not the agency, based on predefined criteria (*e.g.*, 1% of aggregate salaries; .05% of aggregate salaries for agencies not meeting previous fiscal year goals).
- 1903.6 The signature of the agency's Chief Financial Officer on a monetary award recommendation shall certify that funds are available in the fiscal year for which the monetary award is recommended. Even though some incentive awards may be issued for work performed in the previous fiscal year, the City Administrator shall budget prospectively in the funding of the award pool. Processing of a monetary award will not occur if proper documentation and agency Financial Officer and other required signatures are not submitted to the DCHR and the Office of Pay and Retirement Services (OPRS).
- 1903.7 Failure to receive an incentive award or a specific amount for a monetary award may not be grieved or appealed.
- 1903.8 Awards sent to the City Administrator or designee may be reduced or denied and cannot be grieved or appealed.
- 1903.9 Acceptance of a monetary award constitutes an agreement that the use by the District government of an idea, method, or device for which the award is made does not form the basis of a further claim of any nature against the District government by the employee, his or her heirs, or assigns.
- 1903.10 Monetary awards are in addition to the regular pay of the recipient, and are subject to the withholding of income taxes. The taxes must be deducted from the award, and the amount of the award may not be adjusted upward to cover taxes.
- 1903.11 Annual employee performance ratings are subject to the provisions of Chapter 14 of the regulations, and are not incentive award entitlements under this chapter, even though the performance rating may be considered as a basis for an incentive award. Performance ratings may be considered to determine eligibility for an award, but the award justification must be based on exemplary performance related to tangible/measurable goals.

#### **1904 MONETARY AWARDS**

- 1904.1 (a) Monetary awards listed in section 1902.1 (a)(1) through (6) of this chapter shall

be granted as provided in this section.

- (b) Acceptance of a monetary award constitutes an agreement that the use by the District government of the idea, method, or device for which the award was granted does not form the basis for a claim of any nature against the District government by the employee, his or her heirs, or assigns.
- (c) Monetary awards under this chapter shall not be considered base pay for any purpose, and shall be subject to the withholding of federal, District of Columbia, or state income taxes, and social security taxes, if applicable. The amount of a monetary award shall not be adjusted upward to cover these taxes.

1904.2 Exemplary Performance Awards are governed by the following:

- (a) An Exemplary Performance Award may be granted to an employee for performance accomplishments related to assigned job tasks in a manner that significantly exceeds satisfactory performance requirements for the employee's official position and which has contributed to the success of the agency and the District government in meeting their performance goals for the fiscal year. All award nominations will be made following the end of the fiscal year and paid out of the new fiscal year's budget, which will be funded through the City Administrator's office. Independent personnel authorities subject to this chapter are responsible for their own funding, and for establishing procedures for the payment of monetary awards. Submission of policies and procedures shall be published publicly and formally adopted by the independent personnel authority before any payments are processed by the OPRS.
- (b) Each Agency Incentive Awards Committee (Committee) shall convene to review employee nominations for this award, and approve the recipients and the amount of each award. The list of the awards approved by the agency will be submitted to the DCHR for final review and reported to the Mayor, City Administrator, and the Council.
- (c) It is expected that each nomination will include a written explanation documenting the nature of the accomplishment and proper forms as established by the DCHR or independent personnel authority. There must be clear evidence that a nomination for an Exemplary Performance Award involves performance above and beyond what is normally expected in the employee's position, and that the Committee has reviewed the nomination. Each agency may establish its own criteria for this award, subject to the review and approval by the DCHR.
- (d) Exemplary Performance Award may be made in addition to a non-monetary award, including honorary awards.
- (e) All Exemplary Performance Awards will be paid from a budgeted pool set aside

for this purpose in each agency's operating budget for the fiscal year equivalent to 1% (or any other amount determined by Mayor or the City Administrator) of the aggregated salaries for the agency. If an agency fails to achieve a satisfactory level of achievement relative to previously prescribed agency goals, the budgeted pool set aside for the agency shall be reduced by 50%, and the number or amount of individual awards will be reduced to conform within the budget. Transmittal of funds will be the responsibility of the Chief Financial Officer.

- (f) An Exemplary Performance Award shall not exceed a maximum of ten percent (10%) of the employee's scheduled rate of basic pay or five thousand dollars (\$5,000), whichever is greater.
- (g) An agency may use either the "basic scale" or the "percentage scale" in this subsection to determine the amount of an Exemplary Performance Award.
- (h) The amount of an Exemplary Performance Award may be determined by using the following basic scale, except the award amounts may be limited by the budget for these awards:

Grade Level	Amount of Award (District Service Schedule or Equivalent)*	Amount of Award (Management Supervisory Service Schedule)
1 – 4	Up to \$800	N/A
5 – 8	Up to \$1200	N/A
9 – 11	Up to \$1600	Up to \$1600
12 – 13	Up to \$2300	Up to \$3000
14 and above	Up to \$3400	Up to \$5000

- (i) For purposes of determining the percentage of this award for an employee, the amount of the award shall be calculated on the employee's scheduled rate of basic pay during the performance rating period in which the performance contribution was made. The following percentage scale shall be used and the documentation specified therein provided with the submission recommending the award:

Performance Rating (Performance Management Program)	Performance Rating (Performance Evaluation System)	Variable Award Percentage
A performance rating of "Significantly	A performance rating of "Outstanding;"	6 – 10%

Exceeds Expectations" (Level 5); <b>and</b> a written justification relating to meeting agency and District government goals demonstrating "exemplary performance;" <b>and</b> review by the appropriate Agency Incentive Awards Committee as specified in section 1903.2 of this chapter	<b>and</b> written justification relating to meeting of agency and District government goals demonstrating "exemplary performance;" <b>and</b> review by the appropriate Agency Incentive Awards Committee as specified in section 1903.2 of this chapter	
A performance rating of "Exceeds Expectations" (Level ); <b>and</b> a written justification relating to meeting of agency and District government goals demonstrating "exemplary performance;" <b>and</b> review by the appropriate Agency Incentive Awards Committee as specified in section 1903.2 of this chapter	A performance rating of "Excellent;" <b>and</b> written justification relating to meeting of agency and District government goals demonstrating "exemplary performance;" <b>and</b> review by the appropriate Agency Incentive Awards Committee as specified in section 1903.2 of this chapter	1 – 6%

1904.3 Special Act or Service Awards are governed by the following:

- (a) A Special Act or Service Award may be granted to an employee who, while on duty, makes a significant contribution to the District government by a one-time (1-time), non-recurring act or service without limitation as to time duration of the act or service.
- (b) Such special act or service may include, but is not necessarily limited to the performance of a temporary assignment of the duties of a position in addition to the employee's position with a performance level of the duties of both positions within prescribe criteria in this chapter, performance of unusual duties for limited periods, exemplary or courageous handling of an emergency situation in connection with the performance of assigned duties, and such other special acts or services as may be specified in criteria established by the personnel authority. This award category shall not be used to reward year round exemplary performance, which is covered under the Exemplary Performance Awards in section 1904.2 of this section.
- (c) A Special Act or Service Award may be made in addition to a non-monetary award, including honorary awards established in this chapter.
- (d) The recommendation for a Special Act or Service Award shall be accompanied by a written justification that clearly describes all of the following:
  - (1) The duration and location of the one-time (1-time), non-recurring act or service;
  - (2) The specific action or actions taken by the employee to warrant the recommendation for the award;

- (3) The outcome or outcomes that occurred as a direct result of the act or service; and
- (4) The significant benefit which citizens, residents, or the District government derived from the act or service.
- (e) For purposes of determining the amount of this award for an employee, the amount of the award shall be calculated using the employee's rate of basic pay during the performance rating period in which the performance contribution was made, and shall be in accordance with the percentage scale contained in section 1904.2 (i) of this section.
- (f) A Special Act or Service Award may be made in addition to a non-monetary award, including honorary awards described in section 1905 of this chapter.

1904.4 Suggestion or Invention Awards are governed by the following:

- (a) A Suggestion or Invention Award may be granted to an employee for an improvement that benefits the District government. The employee shall submit the suggestion or invention to management in writing, and it shall be approved in writing by management. This type of award shall not be granted for services and benefits to employees (*e.g.*, vending machines), working conditions (*e.g.*, office decorations), routine care of buildings and grounds, routine safety practices, changes as a result of employee complaints and grievances, or recommendations to enforce existing rules, regulations, or directives.
- (b) The following formulas are to be used to determine the amount of a Suggestion or Invention Award:

Estimated Annual Benefits to the District Government	Amount of Award
Up to \$10,000	10% of benefits that are realized by the District
\$10,001 to \$100,000	\$1,000 for the first \$10,000 plus 3% of benefits that are realized by the District over \$10,000
\$100,000 or more	\$3,700 for the first \$100,000 plus .5% of the benefits that are realized by the District over \$100,000, but not to exceed \$25,000 for suggestions or inventions; or \$5,000 or 10% of an employee's scheduled rate of basic pay, whichever is greater, for all other awards.

1904.5 Safe Driving Awards are governed by the following:

- (a) A Safe Driving Award may be granted to an employee whose primary function is driving a motor vehicle (rather than operation of equipment), who drives a minimum of four thousand (4,000) miles per year on open highways or streets;

whose work performance is satisfactory, not only in driving, but also in other elements of his or her position; and who meets the safety and other requirements established by the personnel authority.

- (b) A Safe Driving Award may be granted to an employee each year as long as the employee maintains his or her Safe Driving Record. If the Safe Driving Record is not maintained, the number of consecutive years of Safe Driving reverts to zero (0), and a new period of safe driving will begin.
- (c) The amounts of a Safe Driving Award shall be as follows:

<b>Years of Safe Driving</b>	<b>Amount</b>
1 – 4	\$100 for each safe driving year, awarded annually
5	\$500
6 – 9	\$500 plus \$100 for each additional consecutive year
10	\$1000
Over 10	\$1000 plus \$200 for each additional consecutive year

1904.6 Instant Cash-In-Your Account Awards are governed by the following:

- (a) Employees will be eligible for Instant Cash-In-Your Account Awards for an accomplishment that goes beyond their everyday work expectations. The award may be given up to the amount of two hundred fifty dollars (\$250). Each agency is responsible for the budgeting and administration of the awards.
- (b) It is expected that each nomination will require a written explanation documenting the nature of the accomplishment and proper forms established by the DCHR or independent personnel authority. There must be clear evidence that a nomination involves performance above and beyond what is normally expected in the employee's position and must be reviewed by the Agency Incentive Awards Committee. Each agency may establish its own criteria for the granting of this award, subject to the review and approval by the DCHR.
- (c) Employees may be nominated by their immediate supervisor, another manager, or their co-workers, with the concurrence of the employee's manager. All award nominations will be reviewed by the Agency Incentive Awards Committee. For auditing purposes, at the end of each fiscal year, each agency who has utilized this award will submit to the DCHR a list of employees granted the award and the amounts of each award granted.
- (d) Nominations may be submitted and the awards may be paid at any time during the year. Award nominations should be made as soon after the accomplishment as the documentation can be prepared. Employees are limited to one (1) Instant



Cash-In-Your Account Award per quarter of the fiscal year.

- (e) The award amounts must be paid from each agency's operating budget. The funding of these awards must be done by the individual agency and is outside of the allocated funding for other incentive awards such as Exemplary Performance or Group Awards.

1904.7 Retirement Awards are governed by the following:

- (a) Notwithstanding any other provision of this chapter, a Retirement Award may be granted to an employee as described in subsection 1904.7 (e) below, subject to the approval of the Mayor or independent personnel authority, and as specified in this subsection. The purpose of Retirement Awards is to recognize the length of District government service of the recipients of the award as they end their careers with the District government via retirement.
- (b) In requesting the granting of a Retirement Award, agencies shall consider factors such as the employee's length of District government service and the employee's overall record of performance throughout his or her career with the District government.
- (c) A Retirement Award granted under this subsection shall not exceed fifty percent (50%) of an eligible employee's annual rate of basic pay, or up to twenty five thousand dollars (\$25,000), whichever is lower. Retirement Award payments shall be prorated in the case of part-time employees.
- (d) In determining the amount of the Retirement Award, the following shall apply:

<b>Length of District Government Service</b>	<b>Amount of Retirement Award</b>
20 years or more	Up to \$25,000
10 to 19 years	Up to \$20,000
5 to 9 years	Up to \$15,000

- (e) The following categories of District government employees may be granted a Retirement Award:
  - (1) Except as specified in subsection 1904.7 (f)(2) below, an employee retiring under any of the retirement provisions of the Civil Service Retirement System (Chapter 83 of Title 5 of the U.S. Code), including the law enforcement or firefighter provisions;
  - (2) An employee covered under the District government retirement system

applicable to persons first employed by the District government after September 30, 1987 (Defined Contribution Plan) who has completed at least five (5) years of creditable service with the District government and has vested under the Defined Contribution Plan as provided in section 2610 of the CMPA (D.C. Official Code § 1-626.10) (2007 Supp.) and is separating from District government service after becoming entitled to retirement benefits under the Social Security Act; and

- (3) An employee subject to these rules retiring under any of the other District government retirement systems.
- (f) No Retirement Award shall be granted to:
- (1) An employee who is in a position designated by the agency head as a critical position;
  - (2) An employee retiring under the discontinued service/involuntary retirement provisions of 5 U.S.C. § 8336 (d)(1), or under the disability retirement provisions of 5 U.S.C. § 8337;
  - (3) An employee who receives a proposal or a final decision notice of removal for cause;
  - (4) An employee who is under indictment or who is charged by information with or who has been convicted of a felony or who has been convicted after a plea of *nolo contendere* to a felony related to his or her employment duties; provided, that any employee who ultimately is acquitted or cleared of any charge that caused his or her ineligibility shall be eligible for all benefits as if that employee had never been indicted for or charged by information with a felony; and
  - (5) An employee who, based on conduct related to his or her employment duties, has been convicted of a misdemeanor or who has plead guilty or has been convicted after a plea of *nolo contendere* to a misdemeanor; provided, that any employee who is ultimately acquitted or cleared of any charge which caused his or her ineligibility shall be eligible for all benefits as if that employee had never been charged with a misdemeanor.
- (g) For the purposes of subsection 1904.7 (f)(1), the term “critical position” means a position whereby non-performance of the duties of the position would adversely affect the fulfillment of the mission or the function of an agency, office, or department, or any lesser organizational component.
- (h) For the purposes of subsection 1904.7 (f)(4), the term “felony” means an offense that is punishable by a term of imprisonment that exceeds one (1) year or a fine of at least one thousand dollars (\$1,000).

- (i) The disbursement of funds for Retirement Awards shall be subject to the availability of funds within the employing agency, as certified by the agency's Chief Financial Officer; the submission to the Mayor (or his or her designee), or independent personnel authority, of the agency proposal or plan for the awards, including a list of employees to whom the award would be granted and the amount of the award, and a list of critical positions, if any; the approval of the proposal or plan by the Mayor (or his or her designee) or independent personnel authority; and procedures issued by the Director, DCHR, or independent personnel authority for the granting of the awards authorized.
- (j) Separate and apart from agency submissions of proposals or plans to grant Retirement Awards, the Mayor or independent personnel authority may establish a Retirement Award Program under this subsection during any given year. The Director, DCHR, or independent personnel authority shall issue procedures for each Retirement Award Program established.
- (k) A Mayor's Order shall be issued to establish a Retirement Awards Program, or authorize individual agencies to grant Retirement Awards, as applicable.
- (l) A person who receives a Retirement Award under this subsection shall not be eligible for reemployment for compensation with the District government for five (5) years from the date of the retirement or separation on which the payment is based, or hired or retained as a sole source consultant or personal services contractor for five (5) years from the date of retirement or separation on which the payment is based, unless he or she repays the Retirement Award received if reemployed before the end of the five-year (5-year) period.
- (m) Notwithstanding the provisions of subsection 1904.7 (l) above, and on a case-by-case basis, the personnel authority may waive repayment of the retirement award when considering the reemployment of a person who received the payment, provided that:
  - (1) The proposed reemployment involves a person with unique knowledge, skills, or abilities and is the only qualified applicant available for the position; or
  - (2) In the case of an emergency situation involving a direct threat to life or property, the person has knowledge, skills, or abilities directly related to resolving the emergency situation and will serve on a temporary basis for as long as his or her services are needed due to the specific emergency situation.

## **1905 NON-MONETARY AWARDS**

- 1905.1 Non-monetary awards listed in section 1902.1 (b)(1) through (4) of this chapter shall be granted as provided in this section. A non-monetary award provides recognition to an employee for his or her contributions to a District government agency, and may

range from a small merchandise award as described in section 1905.2 of this section, to an honorary award such as the Distinguished Service Award described in section 1905.5 (c) of this section.

1905.2 Tangible Item Awards are governed by the following:

- (a) An employee may be granted a tangible item or items with a total monetary value of no more than fifty dollars (\$50). A Tangible Item Award is an object such as a pin, plaque, or mug; a gift certificate worth monetary value; or a ticket to an activity or event worth monetary value, given to an employee to recognize a contribution to the District government on his or her part.
- (b) Only one (1) Tangible Item Award may be granted for a single contribution on the part of an employee. An employee shall not receive more than one (1) Tangible Item Award in a six-month (6-month) period.
- (c) Subject to the provisions in section 1903.1 of this chapter, a Tangible Item Award may be granted in addition to or in lieu of any other category of incentive award authorized by this chapter, including honorary awards for employees described in section 1905.5 of this section.
- (d) Each agency shall inform the District Department of Human Resources of its use of tangible awards and submit their internal policy for official filing purposes.

1905.3 Time-Off Awards are governed by the following:

- (a) Time off without loss of pay or charge to leave may be granted as an incentive award pursuant to the provisions of this section to recognize employee contributions that do not meet the threshold criteria for monetary awards.
- (b) In order to be eligible to receive this award, an employee must have made a noteworthy contribution to the success of the District government and the attainment of the individual agency's goal. This may include timely completion of a project; extended periods of hours worked beyond the normal workday to complete a project (without additional compensation or other granted time off); demonstration of unusual creativity or innovation in solving a work-related problem; or a substantial improvement in individual performance that required the employee to invest personal time in acquiring new knowledge or skills.
- (c) A personnel authority may delegate its authority under this section. For agencies under the personnel authority of the Mayor, this authority is delegated to managers and supervisors who have been delegated the authority to approve the leave of an employee pursuant to Chapter 12 of these regulations.

- (d) Only one (1) Time-Off Award, not to exceed forty (40) hours of time off, may be granted for a single contribution on the part of the employee. The number of hours granted to an employee as a Time-Off Award shall not be based on the employee's rate of basic pay, but shall be based on the value of the employee's contribution.
- (e) An employee shall not receive more than one (1) Time-Off Award in a six-month (6-month) period.
- (f) An employee shall meet job performance expectations and have a satisfactory level of attendance during the twelve (12) months prior to being recommended for a Time-Off Award.
- (g) Subject to the provisions of this chapter, a Time-Off Award may be granted in addition to or in lieu of any other category of incentive award authorized by this chapter, including monetary awards described in section 1904 of this chapter and honorary awards for employees described in section 1905.4 of this section.

1905.4 Honorary Awards for citizens and residents are governed by the following:

- (a) Consistent with section 1900 of this chapter, the Mayor and other personnel authorities may grant honorary awards for citizens and residents.
- (b) An Honorary Award for a citizen or resident may be combined with other non-monetary awards, such as a Tangible Item Award with a total monetary value of no more than fifty dollars (\$50).

1905.5 Honorary Awards for employees are governed by the following:

- (a) An Honorary Award may be granted to employees who make significant contributions to the public good or submit ideas or inventions that materially benefit the District of Columbia, as specified in this section and according to criteria established by the personnel authority.
- (b) An Honorary Award to an employee may be combined with a monetary award in accordance with the criteria established in section 1904 of this chapter.
- (c) The highest Honorary Award to an employee for a performance-type contribution is a Distinguished Service Award. A Distinguished Service Award is based on performance achievements sustained for a period of at least one (1) year, except for an award based on acts of bravery. An appropriate category of monetary award may accompany a certificate and pin for this honorary award. The categories for a Distinguished Service Award are as follows:

- (1) Accomplishment of assigned duties relating to major programs significant to the entire District government in a manner considered exemplary when compared to all who have performed similar duties;
  - (2) Accomplishment of major changes in methods or procedures that resulted in significant improvements in operations or substantial savings to the District government;
  - (3) Demonstration of great courage and risk to personal safety while on duty by performing an act of heroism beneficial to District government employees, or in the interest of the general public; or
  - (4) Outstanding leadership in the administration of priority District government programs which results in highly successful accomplishments or highly improved methods to resolve problem situations.
- (d) The second (2<sup>nd</sup>) highest Honorary Award to an employee for a performance-type contribution is a Meritorious Service Award. An appropriate monetary award may accompany a certificate and pin for this honorary award. A Meritorious Service Award is based on performance achievements sustained for a period of at least one (1) year. The categories for a Meritorious Service Award are as follows:
- (1) Accomplishment of supervisory or non-supervisory duties in an exemplary manner by setting a record of achievement and inspiring others to improve quantity and quality of work;
  - (2) Demonstration of unusual initiative and skill in devising new equipment or improving existing equipment, work methods or procedures; or conceiving inventions resulting in substantial savings in manpower, time, space, materials, or other items of expense;
  - (3) Achievement of outstanding results in improving the morale of workers which improve work performance or actively contribute to the goal of equal employment opportunity;
  - (4) Demonstration of unusual courage or competence in handling an emergency situation while on duty status resulting in a benefit to District government employees or in the interest of the general public; or
  - (5) Rendering professional or public relations services of unique or distinctive character worthy of special recognition.
- (e) An Honorary award may be given for reasons other than the ones outlined in section 1905.5 (c) or (d) of this section, *e.g.*, recognition of outstanding performance; length of service with the District government; appreciation for retirees; exemplary supervisory or managerial accomplishments; and other commendable accomplishments, and may be given in the form of a pin or certificate, or other small object honoring the achievement.

1905.6 Length of Service Awards are governed by the following:

- (a) A Length of Service Award may be granted to any employee who has served the District government for periods of ten (10), twenty (20), thirty (30), forty (40), or fifty (50) years.
- (b) An employee granted this award is entitled to receive an emblem and a certificate signed by the Mayor or independent personnel authority, both of which shall specify the employee's length of service.

## **1906 GROUP AWARDS**

1906.1 A Group Award is granted to recognize and reward a team of employees (minimum of two (2) employees) who collectively make a significant contribution to the financial or operational success of the District government or successfully complete an approved team project or plan that improves the work operations in their agency. Group awards may be either monetary or honorary, or both.

1906.2 Each team or group member shall receive an equal award for the group's contribution to the District government, as determined by pre-established and approved plan provisions at the time of adoption by an agency Group Awards Steering Committee.

1906.3 It is the responsibility of the agency head (or designee) to review and approve the project plan, the applicable performance measures, and the projected monetary awards. It is expected that the plan will incorporate performance goals that can be readily verified. The agency head is also responsible for overseeing the work as the year (or project) unfolds. If the project generates financial benefits to the District of Columbia, the City Administrator will be responsible for deciding if and how the benefits will be shared with responsible team or group members.

1906.4 Awards granted under this section will be paid in addition to any other awards earned.

1906.5 Honorary group awards shall be determined under the authority of the honorary awards section of this chapter. Monetary group awards shall be determined based upon the group incentive plan or project as approved.

1906.6 The appropriate type of group award (monetary, honorary, or both) shall be determined by the Agency Steering Committee as specified in this chapter.

## **1907 APPROVAL OF MONETARY AWARDS AND RESPONSIBILITIES**

1907.1 Each personnel authority may establish procedures for approval of monetary awards consistent with these regulations, and may approve such awards.

1907.2 (a) Monetary awards to employees subject to the personnel authority of the Mayor

shall be approved according to procedures issued by the Director, DCHR. Those procedures shall provide for the following approval authorities, which may be further limited by written instruction of the Mayor when deemed to be in the interest of the District government.

- (b) All recommended monetary awards over five thousand dollars (\$5,000) submitted for all eligible employees (excluding agency heads) will be sent to the City Administrator (or designee) for approval.
  - (c) Subordinate agencies shall submit all monetary awards, excluding Instant Cash-In-Your Account Awards under section 1904 of this chapter, to the DCHR for processing after the agency has obtained the proper signatures. The DCHR shall process each award and transmit it to the OPRS. A subordinate agency shall not transmit monetary awards directly to the OPRS.
  - (d) A Group Awards Steering Committee (Committee) shall be formed in each agency, in accordance with procedures issued by the appropriate personnel authority, to determine the appropriate type of group awards (monetary, honorary, or both) pursuant to section 1906 of this chapter. The Committee will review and approve the project plan and prospective payouts. The project plan approved by the Committee will be forwarded to the DCHR for final approval. No awards will be allowed unless the plan is approved by the DCHR prior to the commencement of the project.
  - (e) The Mayor, the City Administrator, or an agency head may not approve monetary awards exceeding five thousand dollars (\$5,000) without adherence to policies in this chapter.
- 1907.3 Each agency head shall be responsible for preparing a plan for managing awards within his or her agency at the beginning of the fiscal year within prescribed budgetary amounts, as designated the City Administrator. Agencies are responsible for the conformance with these regulations and proper approval procedures. Failure to follow procedures will result in non-payment by the OPRS.
- 1907.4 Each personnel authority shall ensure the quality and integrity in the operation of its incentive awards program, and approve incentive awards as specified in this chapter.
- 1907.5 The Director, DCHR, shall, for employees under the personnel authority of the Mayor, make recommendations to the Mayor, issue criteria and procedures to implement the incentive awards program, and provide for administration of the program, all as specified in this chapter.
- 1907.6 Agency heads shall be responsible for insuring that the criteria for granting awards are consistent with the mission and programmatic goals of their agency, for allocating adequate funds to support the incentive awards program in their agency, for paying the costs of incentive awards (including certificates and tangible items) from such



funds, and for approving incentive awards as specified in this chapter.

- 1907.7 Supervisors and managers shall be responsible for ensuring the close relationship of performance awards to performance standards or goals defined by their agency, for motivating and supporting employees to improve work performance, and for providing employee recognition, where merited.

## **1908 RECORDS AND REPORTS**

- 1908.1 The personnel authority or agency head, as appropriate, shall provide each affected employee with copies of signed incentive award approval forms and required supporting material and shall forward copies to the Performance Management Unit of the DCHR or appropriate independent personnel authority for placement in the employee's Official Personnel Folder.
- 1908.2 Each personnel authority shall institute standards for the establishment, maintenance, and disposal of incentive award records in accordance with Chapter 31 of these regulations.
- 1908.3 The Performance Management Unit of the DCHR shall provide to the Mayor an annual report on incentive awards. The report shall list the name, title, and grade of each recipient, the type of incentive award, summary of accomplishments or justification of the award, and the amount of each monetary award.
- 1908.4 A separate report of approved monetary awards shall be forwarded to the Council of the District of Columbia for its information within thirty (30) days of its execution.

## **1909 REVIEW OF INCENTIVE AWARDS PROGRAMS**

- 1909.1 The personnel authority may provide for the review of the adequacy of incentive award activities, including the sufficiency of documentation, record keeping and reporting, and appropriateness of incentive awards.
- 1909.2 The personnel authority shall report any deficiencies to the appropriate agency together with recommendations for correcting any such deficiencies.

## **1999 DEFINITIONS**

For the purposes of this chapter, the following terms have the meaning ascribed:

**Agency head** – the head of an office, agency or department who reports directly to the head of a personnel authority, or in the case of the Mayor's personnel authority, to the Mayor or City Administrator.

**Agency Incentive Awards Committee** – a committee chaired by the agency head (or designee)

plus at least two (2) to four (4) other members appointed by the agency head for the purpose of reviewing and approving incentive awards at the agency level as specified in this chapter. Each committee member must be a Management Supervisory Service or Excepted Service employee and shall serve in the committee for a two-year (2-year) period.

**Aggregate salaries** – the total amount budgeted for gross salaries at the beginning of the fiscal year that awards are paid. Budgeted gross salaries include all funding sources as long as the funding source permits use of allocated funds for incentive awards.

**Agency goals** – operational, program, departmental outcome measures that are linked to the agency strategic plan, operational improvement plans, special projects or agency accomplishment reports.

**Approving authority** – the agency head (or designee) and an agency Chief Financial Officer.

**Contribution** – (a) for purposes of employee awards, an idea, suggestion, or invention that brings tangible or intangible benefits to the District government in the administration and operation of programs; or (b) work performance that consists of specific job-related accomplishments beyond planned or anticipated performance standards or goals.

**Employee** – a current employee of the District government, or a former employee or his or her legal heirs or estate for a contribution made while the individual was an employee of the District government.

**Exemplary performance** – accomplishments that contribute to the agency goals or objectives included in the agency strategic plan, management accountability requirements, agency scorecard or other agency expectation agreements that exceed the satisfactory or meets expectations level of performance and within the performance evaluation process warrants a performance rating of “4” or “5” (or equivalent).

**Fiscal year** – the period of October 1 to September 30 of any given year.

**Group award** – an award earned by the combined efforts of a group or team. It is anticipated that the group or team will achieve or exceed group performance goals that are established in planning at the beginning of the fiscal year. Awards are granted to recognize and reward a significant contribution to the financial or operational success of the District government that is the result of a team effort, granted in accordance with section 1909 of the chapter. Group awards may be monetary or honorary, or both.

**Group Awards Steering Committee** – committee chaired by the agency head (or designee) plus at least two (2) to four (4) other members appointed by the agency head for the purpose of reviewing and approving group awards at the agency level as specified in this chapter. Participation in the Committee shall be based on first hand knowledge of the work of the team or the specific project within the agency’s organizational component; and shall be limited to senior level employees, Management Supervisory Service or Excepted Service employees.

**Honorary award** – a certificate or emblem of recognition that is granted to a citizen or to an employee in accordance with section 1905 of this chapter.

**Intangible benefits** – benefits that accrue to the District government that may not be quantifiable or measurable but which are broadly acknowledged. Examples include an idea, system innovation or policy that improves the overall efficiency of the District government.

**Independent agency** – any entity, agency, department, commission, or instrumentality that is exempt from the human resource management authority of the Mayor by regulation, statute or law, in whole or in part.

**Personnel authority** – the Mayor, and other agencies authorized to carry out personnel regulations for employees under their respective jurisdictions, as specified in D.C. Official Code § 1-604.06 (b) (2006 Repl.).

**Safe driving award** – a monetary award to recognize safe driving, that may be granted in accordance with this chapter to an employee whose primary function is driving a motor vehicle.

**Tangible benefits** – monetary savings or measurable improvement in a District operation that benefits the District government as a direct result of an innovation or suggestion made by an employee.

**Tangible Measurable Goals** – performance expectations that are linked to agency strategic plans, operational improvements, or other agency outcome measures.

## MAYOR OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL RULEMAKING

The Mayor of the District of Columbia pursuant to section 502 of the Revenue Act for Fiscal Year 1978, effective April 19, 1977, (D.C. Law 1-124, D.C. Official Code § 5-416), hereby gives notice of the adoption of the following final amendments to subsection 525.1 of Title 29 of the District of Columbia Municipal Regulations (DCMR).

These amendments were previously published in 55 DCR 002948 on March 21, 2008, as emergency and proposed rulemaking. Further, Mayor's Order No. 2008-44, dated March 25, 2008, delegated to Dennis L. Rubin, Chief of Fire and Emergency Medical Services Department, the authority to hold a public hearing to receive comments from members of the public on "The FEMS Proposed Increase in Ambulance Service Fees". The Mayor has reviewed the public comment received through April 10, 2008, and concludes that the proposed rulemaking should be adopted without any change. The Mayor hereby adjusts the fees for emergency ambulance transport in order to ensure that the health, safety and welfare of the public continues to be protected through maximum availability of emergency ambulance services in the District of Columbia.

The Mayor hereby gives notice that these final rules shall become effective upon publication in the *D.C. Register* on April 18, 2008.

Subsection 525.1 of Title 29 DCMR is amended as follows:

525.1       The following fees are hereby established for emergency ambulance life support service, and for the transportation of a person in a District of Columbia Fire and Emergency Medical Services Department emergency ambulance vehicle:

(a) Basic Life Support (BLS) Unit Transportation Fee: A fee of five hundred thirty dollars (\$530) shall be charged for the transportation of each person in any ambulance staffed by an Emergency Medical Technician, an Emergency Medical Technician/Driver or a Paramedic who administers basic life support to the person or persons being transported;

(b) Advanced Life Support (ALS) Unit Transportation Fee: A fee of eight hundred thirty two dollars (\$832) shall be charged for the transportation of each person in any ambulance staffed by Paramedics if advanced life support is actually administered, by such Paramedics, to the person being transported;

(c) Advanced Life Support- Level 2 (ALS2) Unit Transportation Fee: A fee of nine hundred fifty three dollars (\$953) shall be charged for the transportation of each person by ground ambulance

vehicle requiring the provision of medically necessary supplies and services including (1) at least three separate administrations of one or more medications by intravenous push/bolus or by continuous infusion (excluding crystalloid fluids) or (2) ground ambulance transport, medically necessary supplies and services, and the provision of at least one of the ALS2 procedures listed below:

1. Manual defibrillation/cardioversion;
2. Endotracheal intubation;
3. Central venous line;
4. Cardiac pacing;
5. Chest decompression;
6. Surgical airway; or
7. Intraosseous line; and

(d) Total Mileage Transportation Fee: A fee of six dollars and six cents (\$6.06) per mile traveled, or any fraction thereof, shall be charged to each patient transported in any of the above noted methods.

**PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA  
1333 H STREET, N.W., SUITE 200, WEST TOWER  
WASHINGTON, DC 20005**

**NOTICE OF FINAL RULEMAKING**

**ET00-2, IN THE MATTER OF POTOMAC ELECTRIC POWER COMPANY'S  
PUBLIC SPACE OCCUPANCY SURCHARGE ELECTRICITY TARIFF, P.S.C.-  
D.C. No. 1**

1. The Public Service Commission of the District of Columbia ("Commission") hereby gives notice, pursuant to Section 2-505 of the District of Columbia Official Code,<sup>1</sup> of its final rulemaking action taken in the above-captioned proceeding.

2. Pursuant to D.C. Official Code Section 10-1141.06,<sup>2</sup> the Potomac Electric Power Company ("Pepco") filed with the Commission an updated Rider "PSOS" - Public Space Occupancy Surcharge on February 6, 2008.<sup>3</sup> In the filing, Pepco shows the process to be used to recover from its customers the fees paid by Pepco to the District of Columbia Government for the rental of public structures in public space.<sup>4</sup> Specifically, Pepco proposes to amend the following tariff page:

**ELECTRICITY TARIFF, P.S.C.-D.C. No. 1  
9<sup>th</sup> Revised Page No. R-33**

3. In its filing, Pepco states that its "updated Rider PSOS surcharge is to become effective with meter readings on and after March 1, 2008."<sup>5</sup> The updated Rider PSOS consists of two parts: 1) one component reflects the estimated payments made by Pepco to the District of Columbia for the current year; and 2) the other component reflects the over or under recovery from the prior year. The supporting calculations for

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<sup>1</sup> D.C. Official Code § 2-505 (2001 Ed.).

<sup>2</sup> D.C. Official Code § 10-1141.06 (2001 Ed.), states that [e]ach public utility company regulated by the Public Service Commission shall recover from its utility customers all lease payments which it pays to the District of Columbia pursuant to this title through a surcharge mechanism applied to each unit of sale and the surcharge amount shall be separately stated on each customer's monthly billing statement.

<sup>3</sup> *ET00-2, In The Matter Of Potomac Electric Power Company's Public Occupancy Surcharge Electricity Tariff, P.S.C.-D.C. No. 1, ("ET00-2")* Letter to Dorothy Wideman, Commission Secretary, from Keith Townsend, Assistant General Counsel, re: *Rider "PSOS"*, filed February 6, 2008 (hereinafter referred to as "Rider PSOS").

<sup>4</sup> D.C. Official Code § 10-1141.04 (2007 Supp.).

<sup>5</sup> *ET00-2, Rider PSOS* at 1.

the updated Rider PSOS illustrate a change from \$0.00219 per kilowatthour to \$0.00161 per kilowatthour, a decrease of 26.5 percent in the surcharge rate.<sup>6</sup>

4. The Commission issued a Notice of Proposed Rulemaking ("NOPR"), which was published in the *D.C. Register* on February 29, 2008, inviting public comment on the updated Rider PSOS.<sup>7</sup> No comments were filed in response to the NOPR. Subsequently, the Commission approved Pepco's Rider PSOS filing by Order No. 14780. Pepco's Rider Public Space Occupancy Surcharge will become effective upon the date of publication of this Notice of Final Rulemaking in the *D.C. Register*. A copy of Pepco's final Rider PSOS may be obtained by contacting Dorothy Wideman, Commission Secretary, Office of the Commission Secretary at 1333 H Street, N.W, Suite 200, West Tower, Washington, D.C. 20005 or from the Commission's website at [www.dcpsc.org](http://www.dcpsc.org).

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<sup>6</sup> ET00-2, Rider PSOS at 2.

<sup>7</sup> 55 *D.C. Reg.* 2074-2075 (February 29, 2008).

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
NOTICE OF FINAL RULEMAKING**

**and**

**Z.C. ORDER NO. 07-28**

**Z.C. Case No. 07-28**

**(Text Amendment – 11 DCMR)**

**Text Amendments to Amend §§ 701.4(q), 701.4(aa), and 721.3(s)**

**March 10, 2008**

The Zoning Commission for the District of Columbia (the “Commission”), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01); having held a public hearing as required by § 3 of the Act (D.C. Official Code § 6-641.03); and having referred the proposed amendments to the National Capital Planning Commission for a 30-day period of review pursuant to § 492 of the District of Columbia Charter; hereby gives notice of the adoption of the following amendments to §§ 701.4(q), 701.4(aa), and 721.3(s) of the Zoning Regulations (Title 11 DCMR).

A Notice of Proposed Rulemaking was published in the *D.C. Register* (“DCR”) on February 1, 2008, at 55 DCR 1106. The Commission took final action to adopt the amendments at a public meeting on March 10, 2008. This final rulemaking is effective upon publication in the *D.C. Register*.

**Existing Regulations**

In the C-1 Zone District, “restaurants” and “prepared food shops with no more than 18 seats for patrons and no drive-through,” are permitted as matter-of-right uses. “Fast food establishments” and “food delivery services” are not permitted as a matter-of-right. In C-2 Zone Districts, fast food establishments and food delivery services are permitted as matter-of-right uses, but are subject to the criteria listed in § 721.3(s) of the Zoning Regulations.

**Description of Text Amendment**

The text amendments permit prepared food shops with more than 18 seats, and fast food establishments without drive-throughs as matter-of-right uses in the C-1 portion of Square 5912. The text amendments also exempt fast food establishments in Square 5912 from the requirements of §§ 721.3(s)(1)-(2).



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**Relationship to the Comprehensive Plan**

The amendments are not inconsistent with the District Elements for the Comprehensive Plan for the National Capital, and are fully consistent with the following provision of the Plan:

***Policy LU-2.4.1: Promotion of Commercial Centers***

Promote the vitality of the District's commercial centers and provide for the continued growth of commercial land uses to meet the needs of District residents, expand employment opportunities for District residents, and sustain the city's role as the center of the metropolitan area. Commercial centers should be inviting and attractive places, and should support social interaction and ease of access for nearby residents.

***Policy ED-3.1.1: Neighborhood Commercial Vitality***

Promote the vitality and diversity of Washington's neighborhood commercial areas by retaining existing businesses, attracting new businesses, and improving the mix of goods and services available to residents.

***Policy FSS-1.1.8: Supermarkets and Services***

Attract additional supermarkets, family-style restaurants, full-service gas stations, and general merchandise stores to the Far Southeast/Southwest. The area's larger commercial sites should be marketed to potential investors, and economic and regulatory incentives should be used to attract business. The upgrading and renovation of the area's existing auto-oriented shopping centers is strongly encouraged.

***Action FSS-1.1.C: Retail Development***

Complete construction of the Camp Simms retail center by 2008 and support efforts to bring quality retail services to the site.

**Initiation, Setdown, Public Hearing and Proposed Action**

The Office of Planning ("OP") initiated this rulemaking by filing a report dated October 5, 2007. The Commission set the case down for a public hearing at its October 15, 2007 regularly scheduled public meeting.

The Commission held the public hearing on December 13, 2007. OP testified in support of the text amendments. As part of its testimony, OP suggested a further change to the text advertised in the public hearing notice: that the Commission remove the proposed exemption from the dumpster enclosure requirements for Square 5912 found in § 721.3(s).

A representative of a developer, CHR LLC, testified in support of the amendments, stating they were vital to the completion of a project known as the The Shops at Park Village, which would

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integrate an existing strip shopping center with a new shopping center to create a single retail center.

The Commission took proposed action at the conclusion of the December 13, 2007 hearing. The Notice of Proposed Rulemaking was published in the *D.C. Register* on February 1, 2008, at 55 DCR 1106, for a 30-day notice and comment period. Due to an oversight, the text published in the proposed rulemaking notice did not include the change suggested by OP regarding the dumpster enclosure requirements of § 721.3(s).

The proposed rulemaking was referred to the National Capital Planning Commission ("NCPC") under the terms of § 492 of the District of Columbia Charter. NCPC, through a delegated action dated December 28, 2007, found that the proposed text amendments would not adversely affect the identified federal interests, not be inconsistent with the Comprehensive Plan for the National Capital.

The Office of the Attorney General has determined that this rulemaking meets its standards of legal sufficiency.

#### **Great Weight Given to ANC Issues and Concerns**

The Commission is required under D.C. Official Code § 1-309.10(d)(3)(A) to give great weight to the affected ANC's written recommendation. No written ANC recommendation was received in this case.

#### **Final Action**

At its properly noticed March 10, 2008 public meeting, the Commission took final action to approve the proposed text amendments with one change. The Commission corrected the oversight regarding the dumpster requirements of § 721.3(s).

Based on the above, the Commission finds that the proposed amendments to the Zoning Regulations are in the best interests of the District of Columbia, consistent with the purpose of the Zoning Regulations and the Zoning Act.

In consideration of the reasons set forth herein, the Zoning Commission hereby **APPROVES** the following amendments to the Zoning Regulations, Title 11 DCMR. Added wording is shown in **bold and underlined**.

Chapter 7, COMMERCIAL DISTRICTS, is amended as follows:

A. By amending § 701, Uses as a matter of right (C-1) as follows:

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(1) Section 701.4(q) is amended to read as follows:

- (q) Restaurant, but not including a fast food establishment, or a food delivery service. **A fast food establishment with no drive-through shall be permitted in Square 5912 as a matter of right.**

(2) Section 701.4(aa) is amended to read as follows:

- (aa) Prepared food shop, with no more than 18 seats for patrons and no drive-through **except that no limitation on seats shall apply to a prepared food shop in Square 5912.**

B. Section 721, Uses as a Matter of Right (C-2), § 721.3(s) is amended to read as follows:

- (s) Fast food establishment or food delivery service, only in a C-2-B or C-2-C District; provided:

- (1) No part of the lot on which the use is located shall be within twenty-five feet (25 ft.) of a Residence District, unless separated therefrom by a street or alley;
- (2) If any lot line of the lot abuts an alley containing a zone district boundary line for a Residence District, a continuous brick wall at least six feet (6ft.) high and twelve inches (12 in.) thick shall be constructed and maintained on the lot along the length of that lot line;
- (3) Any refuse dumpsters shall be housed in a three (3) sided brick enclosure equal in height to the dumpster or six feet (6 ft.) high, whichever is greater. The entrance to the enclosure shall include an opaque gate. The entrance shall not face a Residence District; and
- (4) The use shall not include a drive-through.

**Subparagraphs (1) and (2) shall not apply to a fast food establishment located in Square 5912.**

At the public hearing on December 13, 2007, the Zoning Commission voted to **APPROVE** the application for proposed action by a vote of 5-0-0 (Anthony J. Hood, Peter G. May, Gregory N. Jeffries, Curtis L. Etherly, Jr., and Michael G. Turnbull to approve).

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The Order was **ADOPTED** by the Zoning Commission at its public meeting on March 10, 2008, by a vote of **5-0-0** (Anthony J. Hood, Gregory N. Jeffries, Curtis L. Etherly, Jr., Michael G. Turnbull, and Peter G. May to adopt).

In accordance with the provisions of 11 DCMR § 3028, this Order shall become final and effective upon publication in the *D.C. Register* on **APR 18 2008**.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
NOTICE OF FINAL RULEMAKING**

**and**

**Z.C. ORDER NO. 07-28**

**Z.C. Case No. 07-28**

**(Text Amendment – 11 DCMR)**

**Text Amendments to amend §§ 701.4(q), 701.4(aa) and 721.3(s)**

**March 10, 2008**

The full text of this Zoning Commission Order is published in the “Final Rulemaking” section of this edition of the *D.C. Register*.